

Service Date: November 27, 1996

FINAL ORDER NO. 6418

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER of Darin Niebuhr)	
dba Piano Pathways , Billings, Montana)	
the Application for a Montana Intrastate)	Docket No. T-96.110.PCN
Certificate of Public Convenience and)	Order No. 6418
Necessity.)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On August 27, 1996, **Darin Niebuhr dba Piano Pathways**, 2604 Oxford Drive, Billings, MT 59102, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Pianos and organs between all points and places within Big Horn, Carbon, Stillwater, Treasure, and Yellowstone Counties.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public August 30, 1996. That notice said in pertinent part:

If no written protests are received by September 20, 1996, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. A protests was filed by Suhr Transport, Inc.

4. The docket was noticed for public hearing on October 23, 1996, with hearing scheduled for November 15, 1996, in Billings, Montana. Prior to the hearing date, the protest was withdrawn. The hearing was therefore vacated.

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 25th day of November, 1996, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-96.110.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Darin Niebuhr dba Piano Pathways**, 2604 Oxford Drive, Billings, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Pianos and organs between all points and places within Big Horn, Carbon, Stillwater, Treasure, and Yellowstone Counties.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 25 day of November, 1996, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

NANCY McCaffree, Chair

DAVE FISHER, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson

Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-96.110.PCN in the matter of Darin Niebuhr dba Piano Pathways (Billings, Montana) has today been sent to all parties listed.

MAILING DATE: November 27, 1996

FOR THE COMMISSION

FIRST CLASS MAIL

Darin Niebuhr
dba Piano Pathways
2604 Oxford Drive
Billings, MT 59102

Harvey Lowthian, President
Suhr Transport
#1 Huffman Court
P. O. Box 1727
Great Falls, MT 59403

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel
34 West Sixth Avenue
P.O. Box 201703
Helena, MT 59620-1703